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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Juliette QUARTARATO et al.

Examiner: Walter Dean GRIFFIN

Serial No.: 09/297,737

Group Art Unit: 1764

Filed: November 7, 1997

Title: CATALYST HAVING AT LEAST ONE ELEMENT OF GROUP VIIB AND ITS
USE HYDRO-TREATING

REPLY

BOX: After Final

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed on August 2, 2004, please consider the following remarks.

Applicants respectfully disagree with the section 103 rejection, which is the only outstanding issue in this application. Not one of the cited references teaches or suggests providing both rhenium and at least one of phosphorus, boron and silicon on a catalyst. Thus, one of ordinary skill in the art based on the teachings of the references would not be motivated to promote a catalyst with both rhenium and at least one of phosphorus, boron and silicon.

Nevertheless, to further the prosecution of this application, applicants provide data demonstrating unexpected results with the claimed catalysts. Based on the teachings of the references, one of ordinary skill in the art would not have expected the results obtained, which are significant, when rhenium and at least one of phosphorus, boron and silicon are present on/in a catalyst.

The attached declaration, which at this point is unsigned (a signed copy will be filed in the near future), provides data, which demonstrates synergistic effect between phosphorus and rhenium on a NiMo catalyst. The new data is supplemental to the data filed in a declaration on October 2, 2003. In the previous declaration, data for catalysts JQ9, JQ10 and JQ11 (all NiMo